

REMARKS/ARGUMENTS

The Office Action mailed September 11, 2003 has been reviewed and carefully considered. Claims 1 and 2 are amended. Claims 1-2 are pending in this application, with claims 1 and 2 being the only independent claims. Reconsideration of the above-identified application, as herein amended and in view of the following remarks, is respectfully requested.

Objections to Drawings and Specification

In the Office Action mailed September 11, 2003, the drawings are objected to because the running stock, front crop, and rear crop should be shown in a front view. Fig. 5 has been added to shown the location of the running stock 50 relative to the annular knives 25 as they appear in Fig. 1. It is respectfully submitted that Figs. 1-4 adequately show the running stock 50, the front crop 51 and the rear crop 52. The Examiner also states that a winder must be shown. However, amended claims 1 and 2 do not recite a winder. The drawings are also amended to include reference numeral 100. In view of the above amendments and comments, it is respectfully requested that the objection to the drawings now be withdrawn.

The specification is objected to because the Examiner states that it is not clear how the end cutting edges of the two axially cutting knives are directed toward one another. The specification refers to U.S. Patent No. 3,491,640 (Poran '640) in describing the annular knives. It is respectfully submitted that those skilled in the art would understand that the cutting edges are similar to the cutting edges 14 disclosed in Fig. 1 of (Poran '640). Fig. 5 has been added to show the cutting edges as they are disclosed in Poran '640. Accordingly, the shear blades or knives used for cutting the running rolling stock are adequately described in the present application such that one skilled in the art could make and use the claimed invention. The Examiner further asks if the movement of the shearing device from the lower to the upper position serves any purpose. The

movement of the shears from the lower position to the upper position after the first cut allows the rolling stock to continue moving in the middle guide 32 of the three rear guides after the first cut and allowing the second cut to be made to separate the rear crop from the rolling stock. If the shear was not movable, a second shear would be required to separate the rear crop (see page 4, lines 15-16). For all of the above reasons, it is respectfully requested that the objections to the specification now be withdrawn.

Rejections Under 35 U.S.C. §112

Claims 1 and 2 stand rejected under 35 U.S.C. §112, first paragraph, as failing to teach or suggest how the end cutting edges are directed toward one another and how the frame moves from a lower position to an upper position. As stated above, U.S. Patent No. 3,491,640 (Poran '640) is referred in the specification. This reference discloses how the cutting blades are directed toward one another (see for example Fig. 4 of Poran '640). The specification and drawings have been amended to clarify that a raise/lower device can be used to raise and lower the frame 20 holding the annular blades 25. In view of the above amendments and remarks, it is respectfully submitted that the rejection of claims 1 and 2 should now be withdrawn.

Double Patenting Rejection

Claims 1 and 2 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 2 of copending application no. 09/991,857 (Panzer) in view of U.S. Patent No. 3,491,640 (Poran).

The present invention relates to a rotating shearing device for cropping fast-running rolling stock. A front guide 10 is arranged for guiding the rolling stock 50 to a pair of annular knives 25. Three rear guides 31, 32, 33 are arranged for guiding the rolling stock from the knives. At an initial position, rolling stock 50 is guided in the front guide part 10 through the free space

between the two annular knives 25. As known from U.S. Patent No. 3, 491,640 (Poran '640), the top of the blades meet to provide a cutting area (this is now shown in new Fig. 5).

For separating the front crop 51 of the rolling stock 50, the front guide 10 is pivoted upward such that the running stock passes the cutting position of the cutting blades and separates (see page 7, lines 9-13). The now cut off front crop runs through lower guide 33 and the rolling stock 50 continues through the middle guide 32 (page 7, lines 12-14). As the running stock continues running, the annular knives 25 are separated or opened and the shearing frame 20, including the knives 25, is moved upward to the position shown in Fig. 3. Since the knives are separated, the running crop is not cut. The annular knives are subsequently moved to the cutting position (page 7, lines 17-18).

To separate the rear crop 52, the front guide 10 again pivots upward to the position shown in Fig. 4 (page 7, lines 19-20). As the running stock 50 passes the cutting position, the rear crop is separated and continues through the upper guide 31 (page 7, lines 20-21).

Independent claim 1 has been amended to recite that the knives are movable to the cutting position in both the lower basic position and the upper position of the frame. Independent claim 2 recites the steps of cutting the rolling stock in both the upper position and the lower basic position.

As acknowledged by the Examiner in the Office Action, Panzer fails to teach or suggest that the shearing device frame is movable between a lower basic position and a higher position. The Examiner states the actuating means 30 disclosed by Poran '640 raises the lower corners of shearing casing 1.2 to a higher position as the knives retract from a cutting position. Even if the retracted position of Poran '640 is considered an upper position, the knives are only retracted when the frame is in the upper position and the knives are in the cutting position when the

frame is in the lower position. Accordingly, Poran '640 fails to disclose, teach or suggest that the knives are movable to the cutting position in both the lower basic position and the upper position, as expressly recited in each of independent claims 1 and 2.

Accordingly, it is respectfully submitted that independent claims 1 and 2 are allowable over Panzer in view of Poran '640.

Rejections under 35 U.S.C. §103

Claims 1 and 2 stand rejected under 35 U.S.C. §103 as unpatentable over Panzer in view of U.S. Patent No. 3,491,640 (Poran). It is respectfully submitted that Panzer and the present application were subject to an obligation of assignment to SMS Demag, as evidenced by the Assignments recorded at Reel/Frame 012589/0933 for Panzer and 012588/0878 for the present application, in the United States Patent and Trademark Office. Accordingly, it is respectfully submitted that Panzer does not preclude patentability under 35 U.S.C. §103(c). Therefore it is respectfully requested that the rejection of claims 1 and 2 as unpatentable over Panzer in view of Poran now be withdrawn.

Claims 1 and 2 stand rejected under 35 U.S.C. §103 as unpatentable over U.S. Patent No. 3,760,670 (Poran '670) in view of Poran '640.

As acknowledged by the Examiner, Poran '670 fails to disclose, teach or suggest that the shearing device frame is movable between a lower basic position to a higher position. For all the reasons discussed above with respect to the rejection of claims 1 and 2 over Panzer in view of Poran '640, it is respectfully submitted that Poran '640 also fails to teach or suggest that the shearing device frame is movable between the lower basic position and the higher position and that the knives are movable to the cutting position in both the lower basic position and the higher position of the frame, as expressly recited in independent claims 1 and 2. Accordingly, it is

respectfully submitted that independent claims 1 and 2 are allowable over Poran '670 in view of Poran '640.

Response to Examiner's Inquiry


The Examiner requested clarification regarding why the inventor of Panzer was not listed as an inventor in the present application. Each of the specifications of Panzer and the present invention discuss similar prior art and the problems associated therewith. The inventors of Panzer and the present invention each discovered different inventions for overcoming the problems of the prior art. Therefore, two separate applications were filed.

In view of the above remarks, the application is now deemed to be in condition for allowance and notice to that effect is solicited.

It is believed that no fees or charges are required at this time in connection with the present application; however, if any fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,

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